

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

829452
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In Re:

LINCOLN WHITE D/B/A FIRST CLASS AUTO REPAIR
DORIS WHITE



Order Filed on January 28, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No: 18-19773-CMG

Hearing Date: November 6, 2019

Judge: CHRISTINE M. GRAVELLE

Recommended Local Form: ☒ Followed ☐ Modified

ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH CONDITIONS

The relief set forth on the following pages, numbered two (2) and four (4) is hereby **ORDERED**.

DATED: January 28, 2020

Handwritten signature of Christine M. Gravelle in black ink.

Honorable Christine M. Gravelle
United States Bankruptcy Judge

Applicant: SANTANDER BANK, N.A.
Applicant's Counsel: Phelan Hallinan Diamond & Jones, PC
Debtor's Counsel: KEVIN FAYETTE, Esquire
Property Involved ("Collateral"): 729 SPRUCE STREET, TRENTON, NJ 08638

Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 1 month, from 01/01/2020.
- ☒ The Debtor is overdue for 1 payment at \$738.87.
- ☐ The Debtor is assessed for _____ late charges at \$_____ per month.
- ☐ Applicant acknowledges suspense funds in the amount of \$_____.

Total Arrearages Due \$738.87.

2. Debtor must cure all post-petition arrearages, as follows:

- ☒ Immediate payment shall be made in the amount of \$738.87. Payment shall be made no later than 01/31/2020.
- ☒ Beginning on 02/01/2020, regular monthly mortgage payments shall continue to be made.
- ☐ Beginning on _____, additional monthly cure payments shall be made in the amount of \$_____ for _____ months.
- ☐ The amount of \$_____ shall be capitalized in the debtor's Chapter 13 plan. Said amount shall be set up on Trustee's ledger as a separate Claim. Debtor(s) shall file a Modified Plan within 10 days from the entry of this Order to account for the additional arrears to be paid to the secured creditor via Chapter 13 Plan and to adjust monthly payments to the Chapter 13 Trustee accordingly.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment:

Santander Bank, N.A.
1 Corporate Drive, Suite 360
Lake Zurich, IL 60047

☒ Regular Monthly payment:

Santander Bank, N.A.
1 Corporate Drive, Suite 360
Lake Zurich, IL 60047

☐ Monthly cure payment:

4. In the event of Default:

☒ Should the Debtors fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$_____, and costs of \$_____.

The fees and costs are payable:

☐ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

6. This Agreed Order survives any loan modification agreed to and executed during the instant bankruptcy.

Certificate of Notice Page 5 of 5

United States Bankruptcy Court
District of New JerseyIn re:
Lincoln White
Doris White
DebtorsCase No. 18-19773-CMG
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 1

Date Rcvd: Jan 28, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 30, 2020.

db/jdb +Lincoln White, Doris White, 116 Honeysuckle Drive, Trenton, NJ 08638-1841

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 30, 2020

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 28, 2020 at the address(es) listed below:

Albert Russo docs@russotrustee.com
 Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
 Andrew L. Spivack on behalf of Creditor SANTANDER BANK, N.A. nj.bkecf@fedphe.com
 Andrew L. Spivack on behalf of Creditor Loan Care, LLC nj.bkecf@fedphe.com
 Andrew L. Spivack on behalf of Creditor CIT BANK, N.A. nj.bkecf@fedphe.com
 Brian E Caine on behalf of Creditor CIT Bank, N.A. bcaine@parkermccay.com,
 BKcourtnotices@parkermccay.com
 Craig Scott Keiser on behalf of Creditor SANTANDER BANK, N.A. craig.keiser@law.njoag.gov
 Denise E. Carlon on behalf of Creditor Tiki Series IV Trust dcarlon@kmlawgroup.com,
 bkgroup@kmlawgroup.com
 Kevin C. Fayette on behalf of Joint Debtor Doris White kfayette@kevinfayette.com
 Kevin C. Fayette on behalf of Debtor Lincoln White kfayette@kevinfayette.com
 Kevin Gordon McDonald on behalf of Creditor MTGLQ Investors, LP kmcdonald@kmlawgroup.com,
 bkgroup@kmlawgroup.com
 Nicholas V. Rogers on behalf of Creditor DOVENMUEHLE MORTGAGE, INC. nj.bkecf@fedphe.com
 Nicholas V. Rogers on behalf of Creditor SANTANDER BANK, N.A. nj.bkecf@fedphe.com
 Nicholas V. Rogers on behalf of Creditor LOANCARE, LLC, AS SERVICER FOR CIT BANK, N.A.
 nj.bkecf@fedphe.com
 Robert Davidow on behalf of Creditor SANTANDER BANK, N.A. nj.bkecf@fedphe.com
 Robert Davidow on behalf of Creditor CIT BANK, N.A. nj.bkecf@fedphe.com
 U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 17